

Sunshine Reform Task Force
Item D.2. Common Groupings of Reform Proposals, July 20, 2006 Meeting

Supporting Material for Item D.2 includes:

- Common categories, relevant existing City policies, and framework for subsequent information.
- Categorization of reforms referred to staff for Implementation.
- Categorization of reforms referred to the Task Force for further study.

Categories	Existing City Policies
Public Meeting	
Brown Act	<u>Resolution 73321</u> : Council Rules of Conduct of Meetings
Staff reports	
Agendas & related materials	
Notice requirements	
Videotaping and photography	
Minutes & internet posting	
Conflict disclosure	<u>Resolution 72566</u> : Conflict of Interest Code
Public participation	
Public Information and Outreach	
Non exempt public information	<u>Council Policy 6-30</u> : Public Outreach for Land Use/Dev. Proposals
Public review file	<u>City Policy 6.1.3</u> : Media Policy
City's website –access	<u>Resolution 68663</u> : City Policies for Government Access Channel
Posting	
Ethics and Conduct	
	<u>SJMC Title 12</u> : Ethics
	<u>Council Policy 0-28</u> : Council Conduct
	<u>Council Policy 0-32</u> : Disclosure/Sharing of Material Facts
	<u>City Policy 1.2.1</u> : Code of Ethics
	<u>City Policy 1.2.2</u> : Gift Policy
	<u>City Policy 1.2.3</u> : Outside Employment
Closed Sessions	
Brown Act	
Statement of reasons	
Report of closed meeting minutes	
Public Records	
California Public Records Act	<u>Resolution No. 71946</u> : Public Records Policy & Protocol
Public access	
Role of Departmental Records Custodian	
Immediacy of response	<u>Council Policy 0-14</u> : Preservation of Historical Records
Law enforcement info	
Litigation	
Contract, bids & proposals	
Duplication Costs	City's Schedule of Fees
Administration and Accountability	
Staff structure	
Training	
Enforcement	
Review and updating	

Categorization of Reforms Referred to Staff for Implementation

Categories for Reforms	
Categories	
1	Public Meetings
2	Public Information & Outreach
3	Ethics & Conduct
4	Closed Sessions
5	Public Records
6	Administration & Accountability
Categorization of Reforms Referred to Staff for Implementation	
Public Meetings	
1	Provide an annual city-wide budget briefing followed by 4 budget hearings throughout San José, in order to encourage greater community contribution to established City priorities. Appropriate consideration shall be made to ensure that meetings are accessible to the residents of San José in relation to the time, date, and location of the hearings.
2	Require the City Council and Redevelopment Agency to hold Public Priority Setting Hearings in the beginning of odd years to coincide with City Councilmember appointments to standing committees.
3	Expand the speaking time from 2 minutes to 4 minutes for "Neighborhood Group" or Community Association Designees*** (City Council Policy 6-30) or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commissions, and create a strategy to address recently identified challenges to public participation for those with disabilities.
4	City Manager and Department Staff Reports for expenditures of \$1 million or more and "Significant Public Interest" agenda items shall provide the following: (a). a new section entitled, "Policy Alternative Recommendations" that lists all the viable city staff options that have been discussed, but were not recommended by the City Manager or Department staff; (b). a brief description of the reasons the alternative was rejected, (c). a cost-benefit analysis and economic impact report to include, but not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long term strategy, and economic development goals and priorities.
Public Information & Outreach	
1	Establish a single City of San Jose's Master On-line Calendar where all city activities, events and meetings of committees, boards, commissions and advisory bodies and events are posted.
2	A detailed accounting of all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing.
3	Disclose statistical information on complaints received through the Fraud and Audit Hotline, excluding names and any other confidential information. This information should be reported to the Council.

Categorization of Reforms Referred to Staff for Implementation, Cont'd

Public Information & Outreach (Cont'd)	
4	Require councilmember and appointee Fair Political Practices Commission Form 700 filings (after redacted personal contact information) and Conflict of Interest declarations to be posted and indexed online, including all conflicts outside of the City of San José's jurisdiction.
5	Any councilmember claiming a conflict of interest on a vote must publicly disclose the basis of the claim by filing a conflict of interest declaration with the City Attorney and City Clerk 24 hours prior to start of the council meeting at which the item will be heard.
6	Establish criteria that can be used by the Rules committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals."
7	Post the City Council Policy Manual on-line.
8	Require notification to City commissions when items originating in the commission are being heard by the Council.
9	Require every Staff memo to have a City staff contact for public questions.
Ethics & Conduct	
1	Disclose the calendars of the Mayor and Councilmembers quarterly, redacted for personal information.
Closed Sessions	
Public Records	
Administration & Accountability	

Categorization of Reforms Referred to Task Force for Further Study

Public Meeting

- City Council and committee meeting minutes must more accurately reflect the actual meeting discussions and public meeting videos should be immediately available after the meeting on the city web and for off site meetings or technical reasons not later than 3 days after the meeting.

Public Information and Outreach

- Require a detailed line-item budget to be posted online and provided to the City Council as part of budget deliberations.
- All City Council agenda items and relevant background materials (items submitted as part of the public record) shall be posted on the Master On Line Calendar, referenced above, and indexed by 5:00 pm on the Thursday prior to the Council meeting at which the item will be heard. Councilmembers should make every effort to provide the Council and public with memoranda they generate by 5:00pm on the Monday prior to a public hearing.
- To the extent that an RFQ has a land use component, there should be community representation included on the review panel. Community representatives would be appointed by the City Council. Recently, the City established the RFP integrity guidelines in an effort to strengthen the credibility of the City's RFP review process. Staff should explore other options for expanding neighborhood participation and ensuring transparency in this process.
- City Council approved adding to the Taskforce Work Plan a discussion of what is filmed and archived on the City's television station (i.e. Planning, Commission, other committees). May 23, 2006, Council Meeting, Item 3.4, Meeting Synopsis.

Closed Sessions

- City Council directed staff to forward to the Sunshine Reform Task Force for their discussion the issue of releasing to the public closed session information and/or materials. June 6, 2006, Council Meeting, Item 3.2(b)(1)(a)(2), Meeting Synopsis.

Public Records

- Documents subject to a public records request and made available to any member of the public, including the media, should simultaneously be made available to the public by posting on the City's website in the responsible department's public records web pages and indexed in a user-friendly way so that a search of the City website will find the public documents. If posting this information is administratively burdensome than instructions should be posted on-line for any member of the public who is interested getting the information directly from Clerk's office.
- All California Public Records Act (CPRA) and Freedom of Information Act (FOIA) requests shall be posted and indexed on the City website within 72 hours of receipt. Responses shall be posted within 30 days of release. If posting this information is administratively burdensome than instructions should be posted on-line for any member of the public who is interested getting the information directly from Clerk's office.

Administration and Accountability

- The administration shall put forth a model of third-party/independent review, such as an Office of Management Budget (OMB)/Legislative Affairs Office (LAO), for Council items of "Significant Public Interest" in order to gain the benefits of comprehensive policy analysis.
- Research and report the cost of instituting/acquiring a City Service accountability model, such as CitiStat in Baltimore, MD, in time for FY 06-07 budget discussions. Special attention should

Categorization of Reforms Referred to Task Force for Further Study

be paid to San José's diversity and multiple language requirements, in order to make the information available and understandable to the greatest number of residents. See City Council Policy 6-30-Public outreach for definitions and procedures.

None

- City Council approved referral of the definition of "contacts" by registered lobbyists to the Sunshine Reform Task Force to determine whether further differentiation between types of contacts and additional information is warranted in the disclosure documents now required of lobbyists. June 27, 2006 Council Meeting, Item 3.12, Meeting Synopsis.